

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DECISION AND ORDER  
00-CR-189A

JAMES CHARLES KOPP,

Defendant.

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Currently before the Court are the following motions of defendant James Charles Kopp: (1) motion to stay the trial pending his appeal to the Second Circuit Court of Appeals; (2) omnibus motion for certain discovery; (3) motion to assert an imperfect-self-defense-of-others defense and for a lesser-included offense charge of involuntary manslaughter; and (4) motion to suppress evidence seized in Whiting, New Jersey.

The Court denies the defendant's motion to stay the trial pending his appeal to the Second Circuit. The Order which the defendant is appealing is not appealable at this time.

The parties have informed the Court that the discovery issues have been resolved or are in the process of being resolved.

The Court denies the defendant's motion to assert an imperfect-self-defense-of-others defense and for a lesser-included offense charge of involuntary manslaughter for the same reasons stated by the Court in its December 7, 2006

Decision and Order. The defendant shall be precluded from offering any evidence, defense or argument claiming justification, duress, necessity or self-defense (or their equivalent). The Court shall not charge the jury on involuntary manslaughter.

Finally, the Court denies defendant's motion to suppress evidence seized in Whiting, New Jersey, because: (1) the defendant lacks standing; (2) the search was not violative of the Fourth Amendment; and (3) the motion is untimely.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: January 9, 2007